

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **OAKLAND DIVISION**

11 IN RE: CATHODE RAY TUBE (CRT)
12 ANTITRUST LITIGATION

Master File No. 07-CV-5944-JST

MDL No. 1917

13 This Document Relates to:

STIPULATION AND ~~PROPOSED~~ ORDER
RE: SCHEDULING ORDER

14 *ALL INDIRECT PURCHASER ACTIONS*
15

Judge: Honorable Jon S. Tigar

1 Indirect Purchaser Plaintiffs (“IPPs”) and Defendants Irico Group Corporation and Irico
 2 Display Devices Co., Ltd. (“Irico” or the “Irico Defendants,” collectively the “Parties”), by and
 3 through the undersigned counsel and pursuant to Federal Rule of Civil Procedure 16(b)(4) and
 4 Civil Local Rule 7-12, hereby stipulate as follows:

5 WHEREAS, the Court’s Amended Scheduling Order [ECF 6024] establishes the pre-trial
 6 schedule for the Indirect Purchaser Actions (“Scheduling Order”);

7 WHEREAS, the current Scheduling Order sets the deadlines for *Daubert* and dispositive
 8 motions, with motions due on July 25, 2022, oppositions due on August 24, 2022, replies due on
 9 September 7, 2022, and the hearings on October 13, 2023 [ECF No. 6024 at 1];

10 WHEREAS, Irico filed an Emergency Motion for Relief from Scheduling Order [ECF No.
 11 6027] (the “Emergency Motion”) due to its witnesses’ refusal to travel to Macao for their
 12 depositions by the June 30, 2022 deadline due to China’s quarantine restrictions, Plaintiffs filed an
 13 opposition on July 14, 2022 [ECF No. 6030], Irico will file a reply on July 21, 2022, and a hearing
 14 on the Emergency Motion is currently scheduled for August 11, 2022;

15 WHEREAS, the Parties agree that the Court’s decision on the Emergency Motion regarding
 16 any extension for deposition of Irico employees is relevant to the timing and content of any
 17 dispositive motions, and that the dates for any such motions should be set after the Court rules on
 18 the Emergency Motion;

19 WHEREAS, if the Court denies the Emergency Motion, IPPs intend to file a motion for
 20 relief in which they may seek, *inter alia*, to prohibit Irico from filing certain summary judgment
 21 motions;

22 WHEREAS, the Parties agree that vacating the current schedule for *Daubert* and
 23 dispositive motions would ensure the most efficient use of the Parties’ and the Court’s time and
 24 resources; and,

25 WHEREAS, the Parties agree that nothing in this Stipulation shall prejudice Plaintiffs’
 26 opposition to the Irico Defendants’ Emergency Motion or any future motion for sanctions and/or
 27 other relief against the Irico Defendants.
 28

1 IT IS HEREBY STIPULATED AND AGREED by and between counsel for IPPs and the
2 Irico Defendants that good cause exists to modify the schedule for the Indirect Purchaser Action as
3 follows:

- 4 1. The following deadlines are hereby VACATED:
- 5 a. The *Daubert* and dispositive motions deadline on July 25, 2022;
- 6 b. The *Daubert* and dispositive motion oppositions deadline on August 24, 2022;
- 7 and,
- 8 c. The *Daubert* and dispositive motion reply deadline on September 7, 2022
- 9 2. The hearings on *Daubert* and dispositive motions currently scheduled for October
10 13, 2022 are hereby VACATED.
- 11 3. If the Court grants Irico's Emergency Motion, the Parties shall meet and confer
12 within one week after the filing of the Court's order to determine a schedule for *Daubert* and
13 dispositive motions.
- 14 4. If the Court denies Irico's Emergency Motion, IPPs may file a motion for sanctions
15 and/or other relief, and any *Daubert* or dispositive motions shall be deferred until the Court decides
16 IPPs' motion.
- 17 5. This Stipulation and Order does not modify any other dates in the Scheduling Order
18 except as stated above.

19 **PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO**
20 **ORDERED.**

21
22 Dated: July 20, 2022


HONORABLE JON S. TIGAR
UNITED STATES DISTRICT JUDGE

1 Dated: July 18, 2022

2
3 /s/ Mario N. Alioto

4 Mario N. Alioto (56433)
5 Joseph M. Patane (72202)
6 Lauren C. Capurro (241151)
7 TRUMP, ALIOTO, TRUMP & PRESCOTT
8 LLP
9 2001 Union Street, Suite 482
10 San Francisco, CA 94123
11 Telephone: 415-563-7200
12 Facsimile: 415- 346-0679
13 Email: malioto@tatp.com
14 jpatane@tatp.com
15 lauren russell@tatp.com

16 *Lead Counsel for the Indirect Purchaser*
17 *Plaintiffs*

18 /s/ John M. Taladay

19 John M. Taladay (*pro hac vice*)
20 Evan J. Werbel (*pro hac vice*)
21 Thomas E. Carter (*pro hac vice*)
22 Andrew L. Lucarelli (*pro hac vice*)
23 BAKER BOTTS LLP
24 700 K Street, N.W.
25 Washington, D.C. 20001
26 (202) 639-7700
27 (202) 639-7890 (fax)
28 Email: john.taladay@bakerbotts.com
evan.werbel@bakerbotts.com
tom.carter@bakerbotts.com
drew.lucarelli@bakerbotts.com

Attorneys for Defendants Irico Group Corp.
and Irico Display Devices Co., Ltd.